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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,292	11/27/2001	Rimas Buinevicius	070156-0168	9711

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EXAMINER

LE, MIRANDA

ART UNIT PAPER NUMBER

2167

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/995,292

Applicant(s)

BUINEVICIUS ET AL.

Examiner

Miranda Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-14,16-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14,16-23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Withdrawal of Finality***

1. This communication is responsive to the Appeal Brief filed on 07/07/2006.
2. In view of the Appeal Brief filed on 07/07/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

3. Claims 1-2, 4-14, 16-23, 25 are pending in this application. Claims 1, 14, 21 are independent claims.

### ***Response to Arguments***

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive. Therefore, the finality of that action is withdrawn, and a new Non-Final Action follows.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 2, 4-8, 10-14, 16-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 7,006,671), in view of Toyama et al. (US Patent No. 7,068,309).

As to claims 1, 14, Yamaguchi teaches a method of capturing, analyzing, managing, and accessing disparate types and sources of media, biometric, and database information, the method comprising (*col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B*);

*capturing media, biometric, and database information association with an individual (i.e. information related to a bodily feature such as a fingerprint, voiceprint, hair, or nail can also be used as specific information, or a physical key such as an IC card can also be used as specific information. Security can be improved using a plurality of pieces of specific information, col. 3, line 63 to col. 4, line 4);*

including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual,

wherein the time information includes when the media, biometric, and database information is captured (*i.e. for each registered person, pieces of information including the captured image or extracted feature as the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person, col. 5, lines 31-54*);

processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals (*i.e. extract specific information of an object person from the object person, col. 2, lines 3-45; the sorting method, col. 5, line 61 to col. 6, line 3*);

providing a user interface (*i.e. The administrator can easily obtain necessary information at a necessary time, col. 5, lines 31-54*) that can be configured to retrieve, view, manage, compare, and analysis (*i.e. classifies; comparing, sorts, col. 2, lines 3-45*).

Yamaguchi does not specifically teach annotate the captured information.

However, Toyama teaches annotate the captured information (*col. 3, lines 38-50; col. 4, lines 49-67*).

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi and Toyama at the time the invention was made to modify the system of Yamaguchi to include annotate the captured information as taught by Toyama.

One of ordinary skill in the art would be motivated to make this combination in order to allow the user to effectively search and control access to the photo index or photo database in view of Toyama, as doing so would give the added benefit of easily sharing images with a

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specific small group of people, a larger group of people, or the whole world as taught by Toyama (*col. 3, lines 25-37*).

**As per claim 21**, Yamaguchi teaches a processing system comprising:

a central processing unit (CPU) (*Fig. 1, col. 10, lines 16-19*); and

a storage device coupled to the CPU and having stored there information for configuring the CPU to:

capture media, biometric, and database information associated with an individual (*i.e. information related to a bodily feature such as a fingerprint, voiceprint, hair, or nail can also be used as specific information, or a physical key such as an IC card can also be used as specific information. Security can be improved using a plurality of pieces of specific information, col. 3, line 63 to col. 4, line 4*);

assign timing information (*i.e. timepiece 18, Fig. 1*) to the captured media, biometric, and database information associated with the individual to form a history of captured information including times of when the media, biometric and database information is captured (*i.e. for each registered person, pieces of information including the captured image or extracted feature as the specific information of the registered person, the dictionary, the name of the registered person, the registration number, the registration date when these pieces of information are stored in the storage device 11, and the use situation such as the date/time and place of identification of the registered person; "images of persons who used the personal identification apparatus from X to Y o'clock", col. 5, lines 31-54*);

processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals (*i.e. extract specific information of an object person from the object person , col. 2, lines 3-45; the sorting method, col. 5, line 61 to col. 6, line 3*);

providing a user interface (*i.e. The administrator can easily obtain necessary information at a necessary time, col. 5, lines 31-54*) that can be configured to retrieve, view, manage, compare, and analysis (*i.e. classifies; comparing, sorts, col. 2, lines 3-45*).

Yamaguchi does not specifically teach annotate the captured information.

However, Toyama teaches annotate the captured information (*col. 3, lines 38-50; col. 4, lines 49-67*).

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi and Toyama at the time the invention was made to modify the system of Yamaguchi to include annotate the captured information as taught by Toyama.

One of ordinary skill in the art would be motivated to make this combination in order to allow the user to effectively search and control access to the photo index or photo database in view of Toyama, as doing so would give the added benefit of easily sharing images with a specific small group of people, a larger group of people, or the whole world as taught by Toyama (*col. 3, lines 25-37*).

**As per claim 2**, Yamaguchi teaches the media, biometric, and database information includes a facial image, voice audio, or fingerprint (*col. 3, line 63 to col. 4, line 4*).

**As to claims 4, 16,** Yamaguchi teaches forming a summary profile that is an abstract including intelligent portion of various captures of media, biometric, and database information associated with the individual (*Figs. 2, 3A-3B*).

**As to claims 5, 17,** Yamaguchi teaches selectively presenting the summary profile on the user interface (*col. 9, lines 62-64*).

**As to claims 6, 18,** Yamaguchi teaches the selective presentation of the summary profile in the user interface is in response to a search query (*col. 5, lines 31-54; col. 9, lines 45-53*).

**As to claims 7, 19,** Yamaguchi teaches providing for a user-defined search of digital information associated with a number of individuals (*col. 5, lines 31-54*).

**As to claims 8, 20,** Yamaguchi teaches conducting a more like this search when a search result from the user-defined search of digital information associated with a number of individuals is explored (*col. 5, lines 31-54*).

**As per claim 10,** Yamaguchi teaches capturing media, biometric, and database information associated with an individual includes using a video camera to capture audio and moving pictures of the individual (*col. 4, lines 5-67*).



**As per claim 11**, Yamaguchi teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes analyzing the media, biometric, and database information with respect to identification factors (*col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B*).

**As per claim 12**, Yamaguchi teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes comparing captured media, biometric, and database information of a first individual with media, biometric, and database information of a number of categorized individuals to find a best match (*col. 2, line 20 to col. 3, line 33; Figs. 2, 3A, 3B*).

**As per claim 13**, Yamaguchi teaches displaying video thumbnails of video images of the number of individuals on the user interface (*Fig. 6*).

**As per claim 22**, Yamaguchi teaches a presentation device wherein the presentation device is configured to provide a graphical user interface which presents representations of the captured media, biometric, and database information associated with the individual (*col. 5, lines 31-54*).

**As per claim 23**, Toyama teaches an interface device configured to connect the CPU with a network of computers (*col. 3, lines 25-37*).

As per claim 25, Yamaguchi teaches the CPU is further configured to form a summary profile that is an abstract including intelligent portions of various captures of media, biometric, and database information associated with the individual (*Figs. 2, 3A-3B*).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 7,006,671), in view of Toyama et al. (US Patent No. 7,068,309), and further in view of Wilson et al. (US Patent No. 6,047,282).

As per claim 9, Yamaguchi teaches the more like this search uses facial, and other biometric information to find matches (*col. 5, lines 31-54*).

Yamaguchi and Toyama do not explicitly teach “speech”.

However, Wilson teaches this limitation at col. 7, lines 19-35 (*i.e. voice*).

It would have been obvious to one of ordinary skill of the art having the teaching of Yamaguchi, Toyama and Wilson at the time the invention was made to modify the system of Yamaguchi and Toyama to include the above limitation as taught by Wilson.

One of ordinary skill in the art would be motivated to make this combination in order to amplify the efficiency of the searching engine in view of Wilson, as doing so would give the added benefit of providing the capabilities of the system to efficiently index, store, insert, delete, and search hundreds of thousands or millions or records as taught by Wilson (*col. 7, lines 19-35*).

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*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
October 12, 2006



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